

Jessica McCawley
Director, Division of Marine Fisheries Management
Florida Fish and Wildlife Conservation Commission (FWC)
Testimony on Restricted Access at Biscayne National Park and Implications
for Fishermen, Small Business, and the Local Economy and Environment
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Chairman Bishop and Chairman Chabot, thank you for the opportunity to testify at this important Congressional oversight hearing regarding the General Management Plan (GMP) for Biscayne National Park. My name is Jessica McCawley. I am the Director of Marine Fisheries Management for the Florida Fish and Wildlife Conservation Commission (FWC).

FWC is the state agency responsible for managing fish and wildlife resources and setting and meeting conservation goals in the State of Florida. Because of our many years of fisheries management experience, we are confident that public enjoyment of natural resources can be balanced with resource conservation. In many cases, the State of Florida, FWC, and the Federal Government partner to meet these goals.

For more than a decade, FWC has partnered with the National Park Service to ensure the sustainability of the natural resources within Biscayne National Park (the Park).

Located only 30 miles from downtown Miami, Biscayne National Park is truly a local, state, national, and world natural resource and treasure. Floridians and countless visitors from the United States and around the world come to the Park to fish, boat, dive, view wildlife, or just bask in Florida's warm and welcoming sun. Perhaps that is why the National Park Service has called the Park "A Watery Wonderland."

In addition to providing recreation activities, the Park creates economic opportunities for small businesses. These businesses create jobs that are important to the local, state, and national economies.

FWC and Biscayne National Park have been working together as partners for almost 15 years to develop appropriate and effective management plans for the Park. It has been a positive working relationship that the State of Florida has greatly appreciated. In 2002, the two agencies signed a Memorandum of Understanding (MOU) to guide development of a Fishery Management Plan for the Park. This MOU included a provision acknowledging that the Park would not implement a no-fishing marine reserve zone under the Fishery Management Plan unless both parties agreed it was absolutely necessary. In addition, the MOU acknowledged that the Park might consider establishing a no-fishing marine reserve zone under the General Management Plan (GMP), but only for purposes other than fisheries management.

FWC has been working with the Park in good faith and in a constructive manner for many years to develop both the Fishery Management Plan and the GMP. Given this, FWC was disappointed

when the National Park Service released its GMP for the Park and it included a no-fishing marine reserve zone for fisheries management purposes that spanned more than 10,000 acres of water. This area equals 16.41 square miles and comprises 37 percent of the Park's best habitat for reef fishing.

FWC cannot support this plan for many reasons. First, the Park's refusal to explore alternatives to a no-fishing marine reserve zone early in the GMP planning process ultimately contributed to a failed attempt to find a workable compromise. Second, FWC views the implementation of a no-fishing zone within the marine reserve zone under the GMP as a breach of the partnership agreement established through the MOU. Third, the proposed fishery closure is being based on an inappropriate application of scientific analysis. Fourth, the closure would unnecessarily restrict public access and negatively impact the south Florida economy.

Partnership Efforts

Throughout the nearly 15 years that FWC has been working with Biscayne National Park to develop its management plans, the State of Florida has operated under the premise that FWC and the National Park Service were partners in management and conservation. Our desire has always been to see the partnership foster innovation toward achieving the shared goal of improving the condition of the natural resources in the Park, as well as achieving the National Park Service's other goals for the Park and the FWC's goal for ensuring equal public access to the Park for members of all user groups. However, the FWC has been continually frustrated with the National Park Service for its unwillingness to explore alternatives to a no-fishing marine reserve zone, particularly during the early stages of the GMP development process.

First, FWC requested scientific analysis be conducted to evaluate whether management actions other than a no-fishing marine reserve zone would achieve the National Park Service's desired goals for the Park. Unfortunately, the Park did not give that request serious consideration.

Second, FWC requested on numerous occasions that the National Park Service delay designating a no-fishing marine reserve zone until less restrictive fishing regulations identified through the Park and FWC's collaboratively developed Fishery Management Plan were in place, so that the contribution of those less restrictive measures toward achieving the Park's goal could be determined. The FWC viewed this step-wise approach to implementing the various aspects of both plans to be reasonable. Unfortunately, the National Park Service was unwilling to take this approach.

The FWC was very pleased with the Park's efforts to explore creative compromises during some of the more recent steps in the development of the GMP, including consideration of designation of a special recreation zone (that allowed some fishing) and incorporating the FWC-requested modifications to vessel speed zones. While the proposed special recreation zone did not ultimately gain public support, the Park's commitment to exploring viable options for achieving all the partners' goals were greatly appreciated at that stage in the GMP development. However, the Park's ultimate decision to adopt a no-fishing marine reserve zone against the recommendations of the FWC, justified with misapplied science, and disregarding the

unnecessary impacts to public access, has resulted in a GMP that the FWC simply cannot support. FWC was disappointed that despite the recent good collaboration between the two agencies, the National Park Service was ultimately unwilling to consider less restrictive alternatives to a closure. FWC still believes there are other viable alternatives that would result in a better balance of public access and conservation and that would satisfy the goals of all the partners.

Consideration of the MOU

Both parties agreed a no-fishing marine reserve zone would not be considered in the GMP for purposes of fisheries management. Traditional activities, such as fishing and boating are critical to the fabric of resource conservation. Furthermore, the ability to conduct these activities should not be taken away from the public without adequate scientific support or when less restrictive options are available to achieve management goals. The National Park Service has claimed that prohibiting fishing in a marine reserve zone is a tool necessary for restoring the visitor experience and is not a fisheries management action; however, the GMP contradicts this claim.

In the GMP, the National Park Service says the purpose is “to provide visitors with the opportunity to experience a healthy, natural coral reef, with larger and more numerous tropical reef fish and an ecologically intact reef system.” Later it says the stated objectives are “larger, healthier, diverse corals and larger number and diversity of fish.”

Any objective fish and wildlife management scientist would conclude that the purposes and objectives are clearly fishery management in nature. FWC views this as a breach of the MOU.

Efficacy of Marine Reserves

FWC recognizes that no-fishing marine reserve zones can be effective fishery management tools when they are well designed and used appropriately; we have supported designation of such zones under these circumstances. For example, FWC supported designation of two marine reserve zones in the Tortugas. In 2001, FWC designated the state waters portion of the 151 square mile Tortugas Ecological Reserve of the Florida Keys National Marine Sanctuary (Sanctuary) as a no-fishing marine reserve. In 2006, FWC also concurred with the designation of the 46 square mile Dry Tortugas Research Natural Area within Dry Tortugas National Park. Both Tortugas marine reserve zones were substantial in size, supported historical fish aggregations prior to designation, were strategically located within close proximity to oceanic and coastal currents that could influence a broader regional effect on fish recruitment, and the potential impacts to fishery access were limited in scale due to the considerable distance from land. In addition to the geographic and physical features of these reserves that made them appropriate choices for designation, the FWC also supported the designation because of the inclusive and responsive nature of the process that led to their development. The Sanctuary working group was keenly aware of the potential impacts to fishing stakeholders from designation of marine reserve zones and incorporated information about how fishers used the region in order to minimize those impacts. The Sanctuary working group even completely

relocated one of the reserves based on information about how the region was used by stakeholders.

This is directly contrasted by the much smaller 10,502-acre marine reserve zone being established by Biscayne National Park. The waters of the Park's marine reserve zone do not host any known historical fish aggregations; are not strategically located near unique, oceanic and coastal currents that might benefit regional fish populations; and are in close proximity to one of the most populous and largest urban areas in the entire United States. While the Park did create a working group in the GMP development process to gather stakeholder input, the current proposal to establish a no-fishing marine reserve zone is contrary to the working group's recommendation. Additionally, while the Park held several public workshops in recent years to inform the public about its proposed marine reserve zone, it has not been nearly as responsive as the Sanctuary was to the concerns about impacts to the fishing public.

Misapplication of Science

The justifications for prohibiting all fishing in the proposed marine reserve zone within the Park simply do not hold up under objective scientific scrutiny. The establishment of a marine reserve zone within the Park is not based on solidly applied science and has not been analyzed to determine if it will even achieve its stated purpose.

Unfortunately, the National Park Service has used scientific research conducted within the much larger Tortugas marine reserve zones to justify expectations that a marine reserve zone within its boundaries under far different resource conditions will be able to achieve "larger, healthier, diverse corals and larger number and diversity of fish," and will "provide visitors with the opportunity to experience a healthy, natural coral reef, with larger and more numerous tropical reef fish and an ecologically intact reef system." These are expectations based on misapplied science and are not clearly defined management goals that have been scientifically analyzed to ensure that they can be achieved by the management action proposed.

It is unclear why the Park expects that prohibiting fishing but still allowing diving and snorkeling within a marine reserve zone would result in "a healthy, natural coral reef" or "an ecologically intact reef system," given the large body of scientific knowledge that overwhelmingly establishes the impactful nature of these activities on coral reefs. It is also unclear why the Park expects that prohibiting all fishing would result in "larger and more numerous tropical reef fish," given that hundreds of tropical-ornamental, reef-dependent species have already been prohibited from harvest in all of the Park for more than 25 years.

No Public Access Impacts the Economy

Today, you will hear testimony from small business owners that rely on the Park for their livelihood. If the GMP is implemented, more than 10,000 acres of prime fishing habitat will be lost to business owners and private citizens alike. Visitors will be forced to seek other locations to fish and jobs will be lost. This will have a harmful effect on Florida's economy. At a time

when Florida's economy is rebounding, we should be working to promote job growth to the full extent that it is compatible with fish and wildlife conservation.

Mr. Chairmen, notwithstanding our opposition to the marine reserve zone in the GMP, FWC is committed to continuing to work with Biscayne National Park in a professional, cooperative, and collaborative manner to best benefit the fish and wildlife resources in the Park, the citizens and visitors who enjoy these resources, and the Florida businesses that rely on them. FWC hopes the National Park Service will remove the no-fishing restriction in the Marine Reserve Zone of the GMP and work with FWC to implement a plan that is a true partnership that benefits all.

In conclusion, Mr. Chairmen, thank you for the opportunity to be a part of this important hearing and inviting the Florida Fish and Wildlife Conservation Commission to presents its views. I will be happy to answer any questions.